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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10 007,390	10 22 2001	Remer Gross	GR 00 P 19937	9813

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LERNER AND GREENBERG, P.A.  
Post Office Box 2480  
Hollywood, FL 33022-2480

EXAMINER

EASTHOM, KARL D

ART UNIT PAPER NUMBER

2832

DATE MAILED: 12 24 2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10 007.390

Applicant(s)

Gross

Examiner

Karl Easthom

Art Unit

2832



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION

Extensions of time may be available under the provisions of 37 CFR 1.136. a) In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.

If the period for reply specified above is less than thirty (30) days, a reply within the statutory maximum of thirty (30) days will be considered timely.

If the period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.

Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. 35 U.S.C. § 133.

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704.b.

## Status

- 1) ☒ Responsive to communication(s) filed on Nov 20, 2002
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 O.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are a) \_\_\_\_\_ accepted or b) \_\_\_\_\_ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) \_\_\_\_\_ approved b) \_\_\_\_\_ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.

- 15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- |   |   |   |   |
|---|---|---|---|
| 1 | Notice of References Cited (PTO 892)                      | 4 | Interview Summary (PTO 413) Paper No.:          |
| 2 | Notice of Draftsperson's Patent Drawing Review (PTO 948)  | 5 | Notice of Informal Patent Application (PTO 152) |
| 3 | Information Disclosure Statement(s) (PTO 1449) Paper No.: | 6 | Other   |

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith, Jr. Smith discloses the claimed invention at Fig 8 with resistance zone 22, power supply leads 26', 27', connections 15, 20 or the bonding described (col. 4, lines 45-55), and insulating layer 54. In claims 2-3, the other insulating layer is 51, and the conductive layer is 52. In claim 6, the leads are stacked when the device is on its side. In claim 7, the barrier is the air between 52 and 51 with ambient and the resistor adjacent parts producing heat or cold.
3. Claims 1-3 and 6-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Ting et al. Ting discloses the claimed invention at Fig 1 with resistance zone 3, power supply leads 11, 9, connections solder (col. 2, line 8), insulating layer 9, or 17. In claims 2-3, the other insulating layer is 19 with conductive layer 1. In claim 7, the barrier is the case 1 which may be phenolic resin as noted at col. 2, lines 1-5. The environment or surroundings produce heat, where the claimed resistor is interpreted as not including other structural parts.
4. Claims 1 and 6-7 are rejected under 35 U.S.C. 102(b) as being anticipated by McLaughlin. McLaughlin discloses the claimed invention at Fig 2 with resistance zone 2, power supply leads 3', parallel at Fig. 2 since it is a piece of metal, connections 8, (or leads 8 and connections 3'), and insulating layer 1 between 3' and 8 with the connections designed as connection contacts 7. In

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claim 6, the leads are stacked. In claim 7, the barrier is 5, an enamel that is thermally nonconductive to a degree since it does not allow air into the device which would otherwise conduct more heat, and where no material is totally nonconductive.

5. Claims 1 and 4-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Mazochette. Mazochette discloses. Mazochette discloses the claimed invention at Figs. 1-4 with resistance zone 36, coaxial leads 48, 50, insulating layer 54 (being a good thermal conductor where it is hatched as plastic and good is a term of degree), with ends of 48, 40 designed as power supply leads which is the end of a coaxial cable. In claim 4, the twisted pair disclosed at col. 3, line 18 is interpreted as intermeshed, where the term is construed broadly.

6. Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Nagai (JP 2-275601). Nagai discloses the claimed invention at Fig. 1 where the leads are in two parts, 3 and 22, such that the parts 22 are intermeshed and parallel, meeting claims 1 and 4. The resistance zone is 23 with connections between 3 and 22 or between 22 and 23. The insulating layer is 4.


7. Applicant's arguments filed 11/20/02 have been fully considered but they are persuasive only as to the 112 rejections. Applicant argues that none of the references disclose leads as busbars parallel to each other with an insulating layer that is a good thermal conductor between the leads. This is not correct, as noted above. The term "good" is relative, and all references show a conductor.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl Easthom whose telephone number is (703)308-3306. The examiner can normally be reached on M-Th. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad, can be reached on (703)308-7619. The fax phone number for the organization where this application or proceeding is assigned is (703)308-7722. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

  
KARL D. EASTHOM  
PRIMARY EXAMINER